IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

Shri Bhagwan and anr.
Vs.
Ashish Singh and anr.

S.B. CRIMINAL MISC.PETITION NO.2103/2006
under Section 482 Cr.P.C.

Date of Order :- November 6, 2006.

PRESENT

HON'BLE MR.JUSTICE HARBANS LAL

Mr. Ashvin Garg for the petitioners.
Mr. Rajesh Goswami for complainant respondent No.1.
Mr. Arun Sharma P.P. for the State.
Mr. Ashish Singh, complainant-respondent No.1 present in person.

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BY THE COURT :-

This petition under Section 482 Cr.P.C. seeks quashing of the criminal proceedings against the petitioner in Cr.Case No.517/06 pending in the court of learned Judicial Magistrate Ist Class No.2, Dholpur for offences under Sections 467, 468, 471, 379 and 120-B I.P.C. arising out of F.I.R. No.61/2005 P.S. Kotwali Dholpur.

The aforesaid proceedings are the result of dispute between the partners of the firm. They have now resolved their dispute. The petitioners are employees of the firm. Both the parties i.e. petitioners and complainant have compromised the matter and have executed a compromise/deed of compromise on 25/9/2006 (Annexure-1). The offence under Section 420 IPC has been compromised by them seeking permission of the concerned court. The

concerned court has however, declined permission to compound the aforesaid offences as they are non-compoundable. Hence, they have invoked the inherent jurisdiction of this Court for quashing of the criminal proceedings.

The accused-petitioners are said to be presently confined in District Jail Dholpur. Non-petitioner No.1, the complainant is present in court who has stated that the offence under Section 420 IPC has been compounded by him with the accused-petitioners with the permission of the court and the accused-petitioners have been acquitted of the said offence on the basis of the said compromise.

Learned counsel for the parties have jointly submitted that now the parties have arrived at a compromise. Therefore, the criminal proceedings pending before the court below may be quashed so that there may not be any more bitterness between them and they may live their life peacefully. They have submitted on the strength of **B.S. Joshi & Ors. Vs. State of Haryana and another- [2003 RCC (SC) 400]** that the High Court in exercise of its inherent powers can quash criminal proceedings /F.I.R. / complaint and Section 320 Cr.P.C. does not affect or limit the inherent powers vested in this Court under Section 482 Cr.P.C.

Keeping in view the law laid down by their Lordships of the Hon'ble Apex Court in the aforementioned authority and considering the facts and circumstances of the present case, the criminal proceedings pending between the parties in the court

below deserve to be quashed for securing the ends of justice.

In the result, this criminal misc.petition u/S.482 Cr.P.C. is allowed and criminal proceedings against petitioners in Cr.Case No.517/06 pending in the court of learned Judicial Magistrate Ist Class No.2, Dholpur for offences under Sections 467, 468, 471, 379 and 120-B I.P.C. arising out of F.I.R. No.61/2005 P.S. Kotwali Dholpur are hereby quashed.

(HARBANS LAL), J.

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